

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re Matter of)
Streamlining the Commission's)
Antenna Structure Clearance Procedure)
and)
Revision of Part 17 of the)
Commission's Rules Concerning)
Construction, Marking, and Lighting)
of Antenna Structures)
_____)

DOCKET FILE COPY ORIGINAL

WT Docket No. 95-5

RECEIVED

APR 20 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

To: The Commission

REPLY COMMENTS

Signal One, Inc. ("Signal One"), by its attorneys, hereby submits its Reply Comments in connection with the above-referenced Notice of Proposed Rulemaking ("NPRM"), FCC 95-16 (released January 20, 1995). ^{1/}

1. Signal One supports the Federal Communications Commission's ("FCC's" or "Commission's") goals of imposing on antenna structure owners the responsibility for: registering the antenna structure with the FCC; maintaining the painting and lighting of the antenna structure; notifying the Commission of any changes in height, ownership, coordinates, painting or lighting of the structure; and providing notice to the Commission when the structure is dismantled. It also supports various commentors in this proceeding.

2. Initially, Cellular Telecommunications Industry Association ("CTIA") urges, and Signal One strongly concurs, that the Commission clarify that the FCC does have the authority to preempt local and state laws that "arbitrarily prohibit or

^{1/} Signal One, Inc. is a site leasing and management company based in Chatanooga, Tennessee, providing services to wireless communications carriers.

No. of Copies rec'd 0812
List A B C D E

substantially delay the entry or provision of wireless services to consumers." *CTIA Comments at 7*. Signal One is aware of at least one locality which, approval for new towers aside, does not even allow replacement of tower sections or towers themselves in the event of damage. Such practices should be prohibited by the Commission since it inhibits service to the public.

3. Signal One also agrees with CTIA that the Commission should adopt a "safe harbor" provision in connection with the transition to a tower registration program. Thus, changes in coordinates due to past inadvertent errors, should not be considered to be relocations of facilities. *CTIA Comments at p.5*. For example, in some cases, surveys were done for towers and the coordinates were filed with the Commission. In the following years, new surveys were done with more sophisticated equipment which produced different coordinates. Rather than having all the licensees conforming to a past mistake or requiring licensees to incur expenses in filing applications to correct the coordinates, the Commission should create a simplified process of notification that a tower has not been relocated but that the coordinates have been corrected.

4. Signal One agrees with the Personal Communications Industry Association ("PCIA") that at present there is an inequitable enforcement mechanism, where multiple forfeitures can be assessed for a single tower violation, which needs to be remedied. *PCIA Comments at p.3*. Further, in today's communications environment, it is virtually impossible for a carrier to inspect its towers, which may be scattered throughout the nation, on a daily basis. The solution to these problems is that the sole responsibility for the tower should be on the owner, who has the ultimate control over the structure and must make arrangements for maintenance and operation of the tower and bear the burden of any forfeitures.

5. Additionally, Signal One agrees with PCIA in that the Commission must bear in mind that the procedure should be a registration process, not a licensing process. Therefore, the Commission should require those sites that now need to be FAA approved,

those that require the submission of an FAA Form 7460, to be registered at the FCC. The Commission should not require registration of the 400,000 other sites that are exempt from FAA jurisdiction. *PCIA Comments at p.5.*

6. Signal One further agrees with PCIA that the registration process should be made easy for the registrant so that the FCC-incurred expenses to oversee a registration, not a licensing, process will be minimal. On that basis, no fee should be charged to the registrant. *PCIA Comments at p.6.*


7. Finally, Signal One agrees with the Industrial Telecommunications Association, Inc. ("ITA") that the Commission database must be able to be accessed by users on a current basis using the sophisticated technology presently available to users. *ITA Comments at p.4.*

In conclusion, Signal One enthusiastically supports the Commission's shift of responsibility for towers to the owners. It also urges the Commission to preempt any state or local laws that cause delay or inhibit site construction for telecommunication services to the public.

Respectfully submitted,

SIGNAL ONE, INC.

By:



David L. Hill
Audrey P. Rasmussen
Its Counsel

O'Connor & Hannan, L.L.P.
1919 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20006-3483
(202) 887-1400

Dated: April 20, 1995

Doc.25482